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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,556	01/23/2004	Thomas Hinsberger	THIELK-028XX	7554

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BOURQUE & ASSOCIATES, P.A.  
835 HANOVER STREET  
SUITE 303  
MANCHESTER, NH 03104

EXAMINER
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FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/763,556

**Applicant(s)**

HINSBERGER ET AL.

**Examiner**

Michael P. Ferguson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7 and 9-18, drawn to a securing device, classified in class 403, subclass 252.
  - II. Claims 19 and 20, drawn to a method for installing a securing device, classified in class 29, subclass 525.01.
2. Newly submitted claims 19 and 20 are directed to an invention that is independent or distinct from the invention originally claimed as discussed above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19 and 20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Objections***

3. Claims 1,2,6,7,10,13,14 and 16 are objected to because of the following informalities:

Claim 1 (line 16) recites "the grooved sidewall". It should recite --the grooved sidewall or grooved board, respectively--.

Claim 2 (line 2) recites "a corner angel piece". It should recite --the corner angel piece--.

Claim 6 (line 1) recites "in claim 1". It should recite --in claim 2--.

Claim 7 (line 1) recites "in claim 5". It should recite --in claim 6--.

Claim 7 (line 3) recites "sides are are". It should recite --sides are--.

Claim 10 (line 5) recites "the second strike side". It should recite --the strike side--.

Claim 13 (line 2) recites "comprises". It should recite --comprising--.

Claim 13 (line 14) recites "towards the longitudinal edge opposite". It should recite --towards a longitudinal edge opposite--.

Claim 14 (line 2) recites "support". It should recite --support elements--.

Claim 16 (line 3) recites "the at least one first". It should recite --the first--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

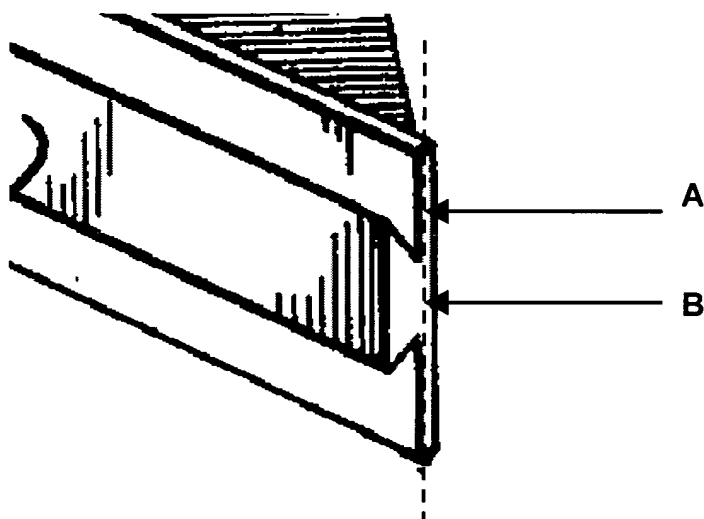
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawrence et al. (US 4,432,590).

As to claim 1, Lawrence et al. disclose a securing device capable of use with rear walls set in grooves of cabinet furniture, the securing device including a first support element **A** (Figure 10 reprinted below with annotations) placed in an angle area between a rear wall **175** and grooved sidewall **160** and a second support element **A**

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placed between the rear wall and a grooved board **161**, wherein the first and second support elements are integrated in one piece into two legs of a corner angle piece, and wherein the legs are at a right angle to one another, and whereby one of the first and second support elements is formed at each of the legs whereby the first and second support elements each have contact sides **A** at a right angle to one another; a through hole **55,56** for receiving a screw or set pin **50,51**, diagonal to the contact sides; and bars **31,32** protruding transversely, wherein the bars have longitudinal sides **B**, and one of the longitudinal sides of the bars for each of the legs is capable of being planar with the rear wall (longitudinal side **B** is capable of being planar with a rear wall placed on the upper ledge of contact side **A** so that the edge of the rear wall and the longitudinal side fall in the same plane) and engages the grooved sidewall or grooved board, respectively (Figures 6, 7, 10-12 and 14). Examiner notes that Claim 1 does not positively recite a rear wall, nor recite that the longitudinal sides of the bars for each of the legs directly contacts and engages the rear wall.



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As to claim 2, Lawrence et al. disclose a securing device wherein the legs **A** of the corner angle piece including the first and second support elements **A** have support bars at a right angle to one another and including strike sides **44**, wherein the strike sides contact the contact sides of each support element, whereby the strike sides of both legs that are located at the same side of the corner angle piece are in one common plane (Figure 10).

As to claim 3, Lawrence et al. disclose a securing device wherein the corner angle piece has a crest area **48**, wherein the crest area has a flat region toward an outside area, and wherein the legs **A** are operatively connected to each other via an interim bar **48** at an angle with respect to the legs (Figure 14).

As to claim 4, Lawrence et al. disclose a securing device wherein the legs **A** of the corner angle piece are of approximately the same length, and wherein the through holes **55,56** of the first and second support elements **A** are arranged at each of the legs at equal distances from the crest area **48** of the corner angle piece (Figure 11).

As to claim 5, Lawrence et al. disclose a securing device wherein the through holes **55,56** of the support elements **A** are arranged at distal ends of the legs **A** of the corner angle piece (Figure 11).

As to claim 6, Lawrence et al. disclose a securing device wherein the legs **A** in an inner area of the corner angle piece are connected to one another using one-piece attached bracing bars **44** (Figure 14).

As to claim 7, Lawrence et al. disclose a securing device wherein the bracing bars **44** of the corner angle piece have planar outer sides, and wherein the outer sides

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are planar with the strike sides **44** of the legs **A** of the corner angle piece and are in one plane with the strike sides (Figure 14).

6. Claims 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris (US 4,032,242).

As to claim 13, Morris discloses a securing device capable of use with cabinet furniture, the securing device comprises:

a first support element **21** and a second support element **22** wherein the first and second support elements are integrated in one piece into two legs **21,22** of a corner angle piece whereby one of the first and second support elements formed at each of the legs and the first support element and second support element each have a bottom strike surface **35** and a side strike surface **21a,22a** whereby the bottom strike surface of each support element are within the same plane and the side strike surface each support element are planes that intersect each other; a through hole **24,25** for receiving a screw set pin **26**; and bars **40,41** protruding transversely, wherein the bars each have longitudinal edges, and the bars for each of the legs tapers off in a wedge shape towards a longitudinal edge opposite the longitudinal edge coupled to support element (Figures 2-4).

As to claim 14, Morris discloses a securing device wherein the first and second support elements **21,22** are at a right angle to one another (Figure 3).

As to claim 15, Morris discloses a securing device wherein the first support element **21** and the second support element **22** are integrated in one piece into a corner angle piece wherein the corner angle piece has a crest area **30**, wherein the crest area

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has flat region toward an outside area, and wherein the legs **21,22** are operatively connected to each other via an interim bar **30** at an angle with respect to the legs (Figure 3).

As to claim 16, Morris discloses a securing device wherein the legs **21,22** of the corner angle piece are of approximately the same length, and wherein the through holes **24,25** of the first and second support elements are arranged at each of the legs at equal distances from the crest area **30** of the corner angle piece (Figure 3).

As to claim 17, Morris discloses a securing device wherein one of a bottom side of the bar **40,41** for each of the legs **21,22** and the bottom strike surface **35** of the legs are located in the same plane (Figure 2).

As to claim 18, Morris discloses a securing device wherein the bars **40,41** are spring-like (made of a flexible, spring-like plastic material; Figure 4).

#### ***Allowable Subject Matter***

7. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 9, Lawrence et al. disclose the claimed securing device with the exception of wherein an end region of the first and second support elements is attached and protruding to an inner side of the legs of the corner angle piece and having a face



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side perpendicular to a diagonal plane of the inner corners between the support bars of the legs and proximate an insertion opening of the respective through hole.

As to claim 10, Lawrence et al. disclose the claimed securing device with the exception of wherein the bars have longitudinal sides, and wherein one of the longitudinal sides of the bars for each of the legs is planar with the strike side of the legs of the corner angle piece located the same plane.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the securing device as disclosed by Lawrence et al. to have the above mentioned elemental features.

### ***Response to Arguments***

9. Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Lawrence et al. do not disclose a securing device wherein the bars have longitudinal sides, and one of the longitudinal sides of the bars for each of the legs *is planar with the rear wall*.

Examiner disagrees. As to claim 1, Lawrence et al. disclose a securing device wherein the bars **31,32** have longitudinal sides **B**, and one of the longitudinal sides of the bars for each of the legs is capable of being planar with a rear wall **175** (longitudinal side **B** is capable of being planar with a rear wall placed on the upper ledge of contact side **A** so that the edge of the rear wall and the longitudinal side fall in the same plane;

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Figures 6,7 and 10). Examiner notes that Claim 1 does not positively recite a rear wall, nor recite that the longitudinal sides of the bars for each of the legs directly contacts and engages the rear wall.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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